

HUMAN RIGHTS IN BULGARIA IN 1997

Introduction

1997 was a crucial year for the development of the democratic process in Bulgaria. It started with a severe economic and financial crisis which led to organized street protests against the government of the Bulgarian Socialist Party (BSP). These protests caused the government to resign and were at the core of the party leadership's refusal to form a new one. On February 12, the President appointed a caretaker government, headed by Mr. Stefan Sofianski, and scheduled early parliamentary elections. On April 19 they were convincingly won by the former opposition, the United Democratic Forces (UtDF), which gained an absolute majority in the new parliament. On May 21, the National Assembly elected a new UtDF cabinet, headed by Mr. Ivan Kostov as Prime Minister, which continues to govern the country at present.

Right from the start the UtDF government stated its willingness to abide by the advanced European standards in determining the framework of the democratic process and of human rights. On June 6, Prime Minister Ivan Kostov stated in the National Assembly: "We do not accept the principle that we will have to pay for the creation of strong law and order with part of the freedom and rights of citizens."

The public climate for the activity of human rights organizations in Bulgaria improved. Their dialogue with the authorities grew more intensive and constructive, and their participation in the media increased. A number of changes were made in legislation, helping to raise it to the standards of international human rights law.

Yet despite the positive changes, which were almost always achieved painfully slowly and by overcoming many different restraining factors, the main human rights problems in Bulgaria remained the same and were just as acute as in previous years. The same social groups were specifically affected by human rights violations. Structural problems in the administration of justice were not overcome to any significant extent either.

1. Ratification of International Human Rights Instruments, Legislative Changes Affecting Human Rights

The legislative reforms undertaken by the new UtDF government included some which also positively affected human rights. However, they were not enough and a long road remains to be covered before Bulgarian legislation is brought in conformity with the standards of international human rights law.

On October 9 President Stoyanov signed in Strasbourg the *Framework Convention for the Protection of National Minorities* of the Council of Europe, a step which, if accompanied by speedy and unconditional ratification, will no doubt have a positive influence on the protection against discrimination and the guarantee of the ethnic and cultural identity of minority groups in the country. (See *Protection of the Minorities, Problems of Citizenship, Aggressive Nationalism and Xenophobia*).

A reform in penal legislation was conducted in July. The changes to the *Penal Code* broadened the limits of "justifiable self-defense" and endorsed the legal use of force,

regardless of the nature or danger of self-defense in a number of cases in which such use is obviously unreasonable. In November the Constitutional Court ruled part, but not all, of these changes unconstitutional, thereby enabling in some cases of self-defense the use of all kinds of means, whose nature or danger should not be taken into account by the court. (See *The Right to Life, Death Penalty*). With the changes to the *Code of Penal Procedure* the role of the prosecutor's office in the preliminary investigation was reduced (See *Independence of the Judiciary and Fair Trial*). A possibility of repeated appeal against remand in custody was introduced and a time limit for detention during the preliminary investigation was set (See *Liberty and Security of Person*).

In December a new *Ministry of the Interior Act* was adopted. The act did not significantly further the reform in this institution and, save for insignificant exceptions, was a consolidated reproduction of the old structure of its institutions and powers. It identified the powers of a number of interior ministry institutions to which special laws applied. After the new act's entry into force on 19 December 1997, these old laws, including the *National Police Act*, were respectively repealed. The *Ministry of the Interior Act* failed to strengthen the necessary citizens and judicial control over the activity of the Interior Ministry. On the contrary, in some respects it became an even more closed institution, for example as a result of the provisions of the new Article 206, Paragraph 2, which states that officers and sergeants of the Interior Ministry may only be investigated with the approval of the Minister of the Interior.

December also saw a reform in the *Code of Civil Procedure*. Its main purpose was to introduce, after a delay of more than six years, the three-instance civil procedure required by the *Constitution* in order to guarantee its institutional stability. The reform established an effective mechanism for the enforcement of the decisions of the European Court of Human Rights in Strasbourg. Some of the accompanying changes however called forth a heated public debate regarding its effect on the chances of the access of poor people to civil procedure. (See *Independence of the Judiciary and Fair Trial*).

2. The Right to Life, Death Penalty

Throughout 1997, the moratorium on the execution of death sentences, imposed in the summer of 1990, continued to be in force. Convicted felons, sentenced to death already in 1989, were given a stay of execution and continued to be kept on death row. Magistrates at different levels, as well as MPs, repeatedly asked for the moratorium on the execution of death sentences to be revoked. On the other hand, the courts continued to impose death penalty in 1997, too. In June and July MPs from three small parliamentary parties asked that the moratorium be lifted. Chief Prosecutor Ivan Tatarchev and the Chairwoman of the Sofia District Court, Ms. Kapka Kostova, followed suit in November. None of these demands was considered by parliament. The reform of penal legislation in July (See *Ratification of International Human Rights Instruments, Legislative Changes Affecting Human Rights*) did not take any steps to legislatively revoke the death penalty. In late May, the District Court in Plovdiv sentenced one murderer of a child to death. In July the Supreme Court upheld the death sentence imposed on a murderer of two youths in Ravda. In September the District Court in Burgas imposed two death sentences on

two men, both for murders linked with sexual relations - one involving a foreign citizen, the other one - two women, a mother and a daughter.

The new endorsement of the extended use of physical force and firearms by private persons for defense in case of assault or violation of their property called forth a serious problem in guaranteeing the right to life. The amendments to the *Penal Code*, adopted in July, substantially redefined the concept of "justifiable self-defense" in that regardless of the nature or danger of the means of defense, "justifiable self-defense" shall not be deemed to exceed the limits in the following six cases:

1. assault by two or more persons;
2. if the assailant is armed;
3. if the assault is the result of breaking and entering into a home, villa property or business facility;
4. in case of an assault in a motor vehicle, aircraft, navigation vessel or train;
5. in case of an assault at night;
6. if the assault cannot be repelled in any other way.

After immediately being approached by a group of MPs to pronounce itself on the constitutionality of these provisions, in December the Constitutional Court ruled as unconstitutional the first two hypotheses, part of the third (only with regard to the words "villa property or business facility"), and the fourth and fifth, due to contravening the right to life guaranteed by the *Constitution* and by Article 6 of the *International Covenant on Civil and Political Rights*. However, the court refused to rule as unconstitutional the other hypotheses (part of the third and the sixth) which may be assumed, insofar as they oblige the court not to take into account the nature or danger of the means for self-defense, to excessively expand the limits of justifiable self-defense. Five of the 12 constitutional judges insisted that the entire third and the entire sixth hypothesis contravene Article 6 of the *International Covenant on Civil and Political Rights* and signed part of the decision of the Constitutional Court with a dissenting opinion.

Some of the investigations of homicides by law-enforcement officials from 1996, ended in 1997 with a refusal to prosecute the perpetrators. Such were the murder of the 17-year-old Rom Angel Zubchikov in Razgrad in January 1996 and the shooting of two Roma by military policemen in the village of Lessura¹. Both cases are currently being registered at the European Commission for Human Rights in Strasbourg. In several other cases, police officers, accused of abuse, differing in kind and severity, leading to the death of detainees were investigated and tried. However, the sentences passed were inadequate to the gravity and public danger of the criminal act and were in strong contrast with the severe sentences passed in other, less serious cases. In June the Military Prosecutor's Office in Pleven brought charges of premeditated murder against two policemen from Nikopol who tortured and killed Hristo Nikolov, a Rom from the village of Vubel, near Nikopol, in the local police station in November 1994. But in September the court only sentenced them to four and a half years imprisonment for manslaughter. On July 25, a court in Stara Zagora

¹ See Human Rights in Bulgaria in 1996, Report of the Bulgarian Helsinki Committee, March 1997.

sentenced a policeman to only a 21-month suspended sentence for shooting and killing Mehmed Hodjov, a Rom, in July 1995.

During the past year the right to life was also drastically violated in a number of known cases of death under suspicious circumstances during arrest or detention, caused by officials whose duty it is to protect the life of citizens. Most of these cases were not adequately investigated and some were not even investigated at all. On January 7, Stefan Stanev, 57, was killed whilst being detained for theft in the Police Station in Popovo. The Military Prosecutor's Office in Varna opened a preliminary investigation but took until June to bring murder charges against a police sergeant. By the end of 1997 the perpetrator had still not been brought to justice. On February 2, Elin Karamanov, 29, was killed by traffic police officers near Plovdiv whilst looking for scrap iron on the banks of the Maritsa river. The investigation into the case instituted by the Military Prosecutor's Office in Plovdiv dragged on throughout the year. On February 28, Vassil Kalinov, 29, a Rom from the village of Izbegli, near Assenovgrad, was killed after being caught stealing cables by a police officer and a civilian hunter. His accomplice Boris Kalinov, 41, was shot in the leg. One of the men was charged with manslaughter, but the investigation was still not completed at year's end. On March 24, a police officer was arrested and charged with the murder of Emil Dimitrov - Germanetsa in Radomir. By the end of the year he had still not been convicted. On March 26, Georgi Byandov died in a hospital in Burgas after being physically abused in police custody. The case was quickly dismissed after his death and nobody was prosecuted. On May 14, a sergeant from the Precinct Police Department in Assenovgrad shot and killed Kolyo Todorov, 32, a Rom, during an attempted escape whilst being held for theft. The investigation into the case failed to produce a result. The sergeant was not even removed from office during the investigation. On June 5, a policeman from the Third Precinct Police Department in Sofia shot Peter Robert Karandja in the head during an attempted escape. He died later in hospital. The investigation closed quickly. The Military Prosecutor's Office in Sofia dismissed the case and refused to bring charges. On July 14, the Sofia Military Prosecutor's Office said that it would investigate the manslaughter of Todor Todorov, shot by a police officer after a row. The victim died 15 days later in a Sofia hospital. But no sentence was passed until the end of the year. On August 5, a police officer shot Valentin Slavov Syarov, 23, after a fight at a bus stop in Sofia. The Military Prosecutor's Office in Sofia prolonged the investigation of the case throughout the remainder of the year without bringing any charges. On November 14, Mincho Surtmachev, arrested for robbery, was severely beaten by a policeman in the First Precinct Police Department in Dobrich. The next day he was admitted to the local hospital in a critical condition and died. The case is being investigated by the Military Prosecutor's Office in Varna. On November 25, Valentin Nedev, 34, died from tuberculosis, accompanied by double pneumonia, in a Varna hospital. The press reported as the cause of death the irresponsible attitude of detention officers in the towns of Shabla, Kavarna and Balchik where Nedev had been kept for 10 days. His request for a doctor was ignored by the guards. On December 10 in Sofia, a police officer shot and killed Angel Bozhkov whilst he was driving his own mini-bus. The car had been stolen, but returned to Bozhkov for a ransom. He failed to immediately notify the police which continued to trace it. The case is being investigated.

3. Torture and Ill-Treatment, Excessive Use of Force by

Law-Enforcement Officials

Bulgarian legislation provides a weak defense against the illegal use of force with respect to detainees. Article 30, Paragraph 4 of the *Constitution* guarantees the right to legal counsel from the moment of detention. This standard was reproduced in Article 70, Paragraph 4 of the new *Ministry of the Interior Act*. However, the provision of the *Penal Procedure Code* for mandatory counsel during the preliminary investigation was not changed during July's reform (See Independence of the Judiciary and Fair Trial). There is virtually no chance of a detainee getting a medical examination by a doctor of his/her own choice. In October Amnesty International asked the Bulgarian government to bring the provision of Article 42 of the *National Police Act* which permits the arbitrary use of firearms by police officers in detaining a person committing a crime or attempting to escape arrest, in conformity with principles 4 and 9 of the *UN's Basic Principles on the Use of Force and Firearms by Law-Enforcement Officials*.² These recommendations were not taken into consideration in the new *Ministry of the Interior Act*, passed in December. The provision of Article 42 was literally copied in the provision of Article 80 of the new law.

Compared to previous years, the excessive use of force by law-enforcement officials in 1997 was a relatively widely discussed subject in Bulgarian society. The mass media reported numerous instances of ill treatment of citizens by police officers and other officials. Much of the torture and ill treatment during the year occurred in the framework of the criminal procedure, including during detention. Whilst visiting detention facilities, the Bulgarian Helsinki Committee received numerous complaints by people, subjected to torture and ill-treatment in police stations or other places of detention.³ There were also police assaults on Roma neighbourhoods in which people, including women and children, were beaten and battered. Many of the remaining part of the victims of police brutality were also Roma. Quite often the abuse was not properly investigated within the system of the internal administration of justice. The information published during the year about persons convicted in 1996 showed that despite well-documented cases of torture and ill-treatment dating from 1993, not a single public official had been convicted throughout that time under Article 287 of the *Penal Code* for illegal use of force in extorting evidence.⁴

One of the most widely discussed cases of police brutality was the violence against citizens outside the National Assembly on the night of January 10, after a day full of drama and vandalism within the context of mass protests against the BSP government in late 1996 and early 1997. The actions of the police and of the special units during that night did, however, carry all the marks of a punitive operation planned in advance. Hundreds of citizens who did nothing to violate the public order were kicked and beaten with clubs and wooden objects. At least five of them were journalists. Several MPs, including former Prime Minister Philip Dimitrov, were also hit. A total of 300 persons were injured, at least 11 of whom were temporarily

² Amnesty International, Bulgaria: Growing incidence of unlawful use of firearms by law-enforcement officials, October 1997.

³ See European Roma Rights Center, Profession: Prisoner: Roma in Detention in Bulgaria, Budapest, December 1997.

⁴ See National Statistical Institute, Crimes and Convicts - 1994, 1995, 1996, 1997, Sofia, NSI publication (in Bulgarian).

admitted to hospital for treatment of contusions and bruises. The subsequent investigation of the police and prosecutor's office was unable to bring charges against anyone, and only eight of the victims are known to have filed civil suits. The beating of protesting citizens (including children and old people) by policemen, specially brought in from Kyustendil, in Doupnitsa on January 31, should also be mentioned in the context of citizens' protests in early 1997. This incident was not properly investigated by the competent authorities either.

There were at least two police raids on Roma neighbourhoods during the year. On February 4, masked policemen raided the Roma neighborhood in Pazardjik, beating up some 60 persons and breaking furniture. The raid was a revenge on the Roma protest campaigns, conducted during the nationwide public protests against the BSP government at the time, which in Pazardjik had been accompanied by three shop robberies the day before. In the late evening on October 14, several obviously drunk policemen sauntered to the "Hristo Botev" Roma neighborhood in Sofia and for no apparent reason beat up at least seven Roma, including women and children. In both these cases of police raids the authorities did little to investigate the incidents, publicize the results and bring the offenders to justice.

During its visits to places of detention, the Bulgarian Helsinki Committee received many complaints of inmates being subjected to torture, mostly by police officers for extorting evidence. These complaints were also confirmed by testimonies received by other nongovernmental organizations. Cases of "falaka" (a method of torture in which a person's foot soles are struck with a hard object) were documented.⁵ Darina Naidenova, a Roma, complained over having been tortured this way in the police station in Vulchedrum on April 14, after being accused of stealing several hens. Danail Mladenov, a Rom, also claimed to have been beaten in the same way in the same police station on June 5 in order to make him confess to stealing domestic animals. He also said that his life had been threatened unless he confessed. The victim filed a complaint with the Military Prosecutor's Office in Pleven, but it refused to institute preliminary investigation.⁶

During the year the Bulgarian Helsinki Committee and other human rights groups garnered much evidence of excessive use of physical force by police officers during the detention of suspected criminals, in preventing unrest or for no apparent reason.⁷ When approached, the Prosecutor's Office frequently refused to investigate the cases or terminated the investigations with the conclusion that no excessive use of force had been established. A number of citizens complained of having been beaten by police officers in the course of the stolen car checks, known as the "Komar" operation,

⁵ The use of this method of torture was documented in the Report of the European Committee for the Prevention of Torture during its visit to Bulgaria from 26 March to 7 April 1995. See: Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 26 March to 7 April 1995 and Responses of the Bulgarian Government, Strasbourg, 6 March 1997, para. 18-20.

⁶ The information on both cases is taken from the Human Rights Project.

⁷ For some cases of ill treatment of Roma in this specific context, see European Roma Rights Center, Profession: Prisoner: Roma in Detention in Bulgaria, Budapest, December 1997.

conducted last March. Although these actions were widely publicized, no serious steps were taken by the competent authorities to investigate them. On June 28, members of the Special Police Unit of the Metropolitan Directorate of Internal Affairs raided the "Neron-2" discotheque in Sofia, forcing those present to lie down on the floor, abusing them verbally, beating and kicking them. Despite the 51 complaints which were filed, the Prosecutor's Office did not charge anybody. On June 30, the director of the Sliven Drama Theater Zlatko Goulevkov was detained by the police and beaten in the local police station after the police broke up a meeting of theatrical workers in Sliven for disturbing the peace. The Military Prosecutor's Office in Sliven ordered a check into the matter, but by the end of the year it had still not brought any charges against police officers, despite the convincing medical certificates of the beaten victims. On the night of July 1, members of the Special Police Unit of the Metropolitan Directorate of the Interior Ministry beat up security guards of the "Bibliotekata" club in Sofia. The Special Police Unit was later disbanded but the incident was never properly investigated. On October 7, the Prosecutor's Office dismissed the case due to "impossibility to establish the perpetrators".

In at least two cases victims of police assaults during the year, just as in 1996⁸, became homosexuals. On March 4, policemen raided the "Flamingo" gay center in Sofia, arresting four persons suspected of peddling pornography. Lots of materials were confiscated. The victims claim that they were forced to lie down on the floor and that they were kicked. After about 20 hours in the police station they were released. In August the police carried out three raids on the "Neri" gay club in Sofia, detaining at least 16 of its patrons in the Sixth Precinct Police Department at different times. Some of them were forced to sign police protocols that they had been cautioned not to engage in prostitution. Investigations were started against a few others for conduct of homosexual acts for the purpose of enrichment (Article 157, Paragraph 5 of the *Penal Code*). When detained for the third time on August 29, the victims claim to have been insulted and threatened by policemen and after being detained for 12 hours, the police officers invited crime reporters from the big Sofia dailies who photographed the detainees despite their explicit objections.

In a headline-making case in the context of the economic and humanitarian crisis in early 1997, seven children in the Home for Mentally Retarded Children in the village of Djurkovo died of starvation and cold in February. The other more than 80 children went without enough food, heating and medical aid for long periods.

4. Liberty and Security of Person

A decisive step towards solving the problem of the prolonged detention of persons not convicted was made in 1997. The amendments to the *Penal Procedure Code* in July repealed the provision of Article 153, Paragraph 3, which practically obliged the preliminary investigation authorities to detain accused persons facing ongoing legal proceedings on some other charge or in cases of recidivism. Instead, time limits were set for remand in custody - up to one year in the general case, and up to two years in exceptional cases, i.e. if a person is accused of a crime punishable by more than 15 years imprisonment, a life sentence or death penalty.

The amendments also gave detainees the chance of repeated appeal of detention. Hundreds of accused persons who had been kept in detention much longer than the set time, and in some cases even excessively, immediately appealed and were released. Alarmed by this wave of people released from places of detention, on October 10

⁸ See Human Rights in Bulgaria in 1996, Report of the Bulgarian Helsinki Committee, March 1997.

parliament adopted amendments to the *Penal Procedure Code*, ruling that the new terms would not apply to already detained persons. This served to create obvious inequality between the new and the old detainees, and thus the reform was given a discriminatory effect.

However, the problem of the duration of preliminary detention continued to exist with regard to the people with ongoing trials, i.e. indicted, but not yet sentenced. The clumsy legal procedure forces many of them to remain in prison for years without sentences.

During its visits to detention facilities, the Bulgarian Helsinki Committee also documented a number of cases of prolonged administrative detention of foreign citizens in the Home for Temporary Placement of Adults in Sofia. A number of Vietnamese citizens were found to have been detained for 7-8 months merely for not being in the possession of proper documents. Persons thus detained are not entitled to legal assistance, nor are they allowed to appeal the lawfulness of detention.

5. Independence of the Judiciary and Fair Trial

In 1997 the judiciary preserved and strengthened its independence from the executive and legislative branches. In contrast to preceding years, it was seriously attacked by the other powers. But, as in the previous years, the court proceedings were slow and ineffective.

Judicial control over the administrative acts functioned routinely, though it was not exercised in all cases of violations of citizens' rights. On February 18, the Constitutional Court ruled unconstitutional the provisions of Decree 9 of 1981, according to which the layoffs in the railway system were not subject to judicial control.

The reform of the *Penal Procedure Code* in July reduced the role of the Prosecutor's Office in the process of preliminary criminal investigation. Only investigators and assistant investigators were empowered to conduct preliminary investigations, whilst prosecutors could only carry out specific investigative actions. Despite this, the Prosecutor's Office continued to head and supervise the investigation, and the problem of its dual function of prosecutor and supervisor of criminal procedure remained.⁹ The reform did not affect the provisions of mandatory counsel however. The absence of legal guarantees for the participation of a lawyer in the preliminary investigation for all persons remanded in custody, continued to present a serious obstacle in the way of a due process. Article 70 of the *Penal Procedure Code* provides for free legal counsel for several categories of accused persons; the detainees, however, do not belong to any of these categories. There is no other organized form of legal assistance in such cases either. This means that a part of the detainees, and particularly those who are ignorant of their right to a lawyer or those

⁹ In its report on the case of *Assenov, Ivanova and Ivanov v. Bulgaria* of 10 July 1997 (Appl. No. 24760/94, para. 140-141) the European Commission of Human Rights accepted that neither the prosecutor, nor the investigator in the Bulgarian criminal process can be regarded as independent for the purposes and within the meaning of Article 5, Paragraph 3 of the European Convention on Human Rights. The changes to penal legislation in July served to overcome this defect only in part.

who have no money to hire one, take part in the preliminary investigation without a counsellor. The majority of signals about beatings and ill treatment during detention received by the Bulgarian Helsinki Committee came from these categories of people, especially when they belong to specific minority groups.

The procedure of placing juvenile delinquents in reform schools, or Correctional Boarding Schools as they are known in Bulgaria (the former Labor Educational Schools), continued to be a source of serious concern during the year. This procedure, established with the *Juvenile Delinquency Act* of 1958, as amended in 1996, is an administrative measure. The placement in reform schools, which according to international standards constitutes deprivation of liberty, is effected by the district courts at the recommendation of the Local Commissions for Control of Juvenile Anti-Social Behaviour, appointed by the municipal administrations. The case itself, however, is tried by the Commission. The accused may not call any witnesses, the same authority brings charges and passes sentence with no right to appeal. No counsel for the defense is allowed at any stage of the procedure, which is a gross violation of the *Constitution*.

The reform of the *Code of Civil Procedure* of December also did away with the so-called "ex officio" principle in civil proceedings, i.e. the court advising the parties of the exercise of their rights and collecting evidence at its own initiative. The role of the Prosecutor's Office in civil procedure, traditionally strong in Bulgaria, was downgraded. A mechanism to repeal court orders after a judgement of the European Court of Human Rights in Strasbourg was also introduced. Notwithstanding the positive aspects of the reform, some public circles voiced concern that, especially regarding the lack of an effective mechanism for legal assistance, it would make success in civil procedure largely dependent on the participant's material status.

6 . The Right to Inviolability of Privacy, Home and Correspondence

The main problem with guaranteeing this right in 1997 continued to be the possibility for arbitrary intrusion in the personal life of individuals from some security forces. The *Special Surveillance Means Act* was adopted in October, which regulates the conditions, the procedure of using and control over the use of sound recordings, video recordings, photographs, marked objects, monitoring of correspondence, etc. by the Interior Ministry services. According to the Act, these means may be used to prevent and investigate grave crimes, but also "with regard to activities linked with the defense of national security" (Article 4). Moreover, in both cases special surveillance means may be used in urgent cases at the order of the Interior Minister or of the Secretary of the Interior Ministry, without the normally necessary approval of the judiciary authorities (Article 18). Neither this, nor any other act, does, however, define national security or the activities in which special surveillance means may be used in this context. The general formulation of the provisions is a prerequisite for malpractice which could potentially lead to violation of the right to inviolability of privacy and correspondence.

During the year, the right to inviolability of privacy was also violated in cases of unlawful searches and confiscation by law-enforcement officials in the homes of

representatives of certain unpopular religious denominations (See Freedom of Thought, Conscience, Religion and Belief).

7. Freedom of Thought, Conscience, Religion or Belief

Some progress was made in 1997 in guaranteeing the freedom of thought, conscience, religion or belief in Bulgaria. Fewer cases of gross violation of religious rights were documented compared to previous years.¹⁰ Despite this, serious problems remained which were a subject of concern for many Bulgarian and foreign observers throughout the year.

The general legislative framework guaranteeing the right to freedom of thought, conscience, religion or belief was not changed in 1997. Both the outdated *Denominations Act*, as well as the discriminatory Article 133A of the *Persons and Family Act*, adopted in 1994, continued to be in force. On December 1, the Council of Ministers approved a draft *Law on the Substitution of Military Obligations with Alternative Service*. After a delay of more than six years, this act comes to fulfil the requirement of Article 59, Paragraph 2 of the *Constitution* which guarantees citizens the right to substitute military obligations with alternative service. The bill provides for alternative service to be directed by the Ministry of Labor and Social Policy. It stipulates, however, that alternative service shall be twice as long as regular military service (one year in Bulgaria at present) and clearly has a punitive length.¹¹ In addition, the bill restricts the right to alternative service by a system of annual quotas, determined by the Council of Ministers. Alternative service will only be possible in state-run organizations. Conscripts have no right to ask for alternative service, whereas those doing alternative service may ask to shift to regular service. The bill also unreasonably restricts the rights of persons doing alternative service: they may not be members of trade-union organizations and may not put up candidatures for elective political office.

Despite prospects to settle the problem of alternative service in some way, the criminal prosecution of conscientious objectors continued last year, too. On February 5, the Supreme Court of Cassation upheld the effective sentence passed on Diyan Dimitrov, a Jehovah's Witness from Popovo, for refusing to serve in the army on religious grounds. On October 8, Dimiter Marev, a Jehovah's Witness from Sofia, was sentenced to pay 10,000 leva (10 DM) by the Sofia District Court for refusing to do military service. On the whole, however, the criminal prosecution of conscientious objectors was not enforced as consistently as in previous years.

During the year attempts were made to adequately regulate the legal status of some religious communities which were deprived of their status of juristic persons and

¹⁰ See The State of Religious Freedom in Bulgaria after 1989, Report of the Tolerance Foundation and BHC, Sofia, February 1997 (in Bulgarian).

¹¹ Cf. Resolution of the European Parliament of 13 October 1989 (Schmidbauer resolution), Article 5: "The European Parliament ... urges that the length of alternative service should be allowed to exceed the duration of ordinary service only by half as much again to compensate for periods of reserve training by those performing military service."

whose activity was terminated with Article 133A of the *Persons and Family Act*.¹² On 3 July 1997, the European Commission of Human Rights in Strasbourg declared admissible the complaint of Jehovah's Witnesses against Bulgaria. Proceedings were instituted in Strasbourg after the government refused the re-registration of Jehovah's Witnesses, the case including complaints under a number of articles of the *European Convention on Human Rights*. The government immediately declared its willingness for a friendly settlement of the dispute. The talks held between representatives of this group and the Directorate for Religious Affairs on November 20 were followed by mutual statements of satisfactory progress attained in the matter. Still, no agreement has as yet been reached. On August 20, the Council of Ministers allowed the registration of the Christian association "Gideon", one of the groups whose status of juristic person had been cancelled in the summer of 1994, after the adoption of the discriminatory Article 133A of the *Persons and Family Act*. The greatest achievement during the year, however, was the successful holding on October 14 of a unifying conference of the Muslim Religion and the government's recognition of its newly elected leadership, headed by the new Chief Mufti Mustafa Hadji, only a few days later. This largely helped to overcome the schism in the second largest religion in Bulgaria, caused by the interference of several governments in its organisational life after 1992.¹³

Despite the progress during the year, there were also serious violations of the right to freedom of thought, conscience, religion or belief, many of which speak of some continuity of the repressive policy of past years. There were a number of manifestations of extreme religious intolerance and fierce campaigns against some of the Protestant churches were waged in the national media with the tacit support of the authorities. Thus, the evangelization organised between May 16 and 18 in Sofia by the Pentecostal Church, the Bulgarian Church of God and the United Church of God, all duly registered under the *Denominations Act*, led to riots by nationalists. Patriarch Maxim joined in to call the 4,000 persons who had gathered in a hall in Sofia "traitors of faith and nation". On May 16, Mr. Ivan Sungarski, Chairman of the Parliamentary Committee on Human Rights and Religious Denominations, said that he would demand the Orthodox religion to be declared official by law in Bulgaria in order to successfully oppose the "sects". Chief Prosecutor Ivan Tatarchev declared that the churches which organized the evangelization could have their registration cancelled. The media attack, albeit on a smaller scale, was repeated in October during an evangelization with the participation of foreign evangelizers, organized by the Rema Church, a division of the Bulgarian Church of God. In another show of extreme religious intolerance, on June 27 in Vratsa several youths, claiming to be supporters of IMRO (the Internal Macedonian Revolutionary Organization) burst into the place of prayer of the Bulgarian Church of God during divine service, shouted, spat on liturgical vessels, and broke several chairs and the window of the entrance door. The victims complained to the local police, but the offenders were not brought to justice. The practice of exercising official or unofficial, but officially condoned, physical violence against members of minority religious communities also continued during the year. On July 20, two members of the Church of Seventh Day Adventists were

¹² See *The State of Religious Freedom in Bulgaria after 1989*, Report of the Tolerance Foundation and BHC, Sofia, February 1997, pp. 18-20, 24 (in Bulgarian).

¹³ *Ibid.* pp. 12, 25-26, 34-35.

detained and beaten in the police station in Petrich for having sold religious literature. They were later escorted to the railway station by policemen and warned "not to sell literature or to preach in places not thus designated". On December 4, the Sofia District Military Prosecutor's Office refused to institute preliminary proceedings and dismissed the case due to lack of evidence of battery. In the village of Gabra near Elin Pelin, on September 4, a local inhabitant in a fit of anti-sectarian fanaticism beat up members of the Bulgarian Church of God and destroyed a large number of religious brochures. The victims complained to the Precinct Police Department in Elin Pelin, but their complaint was not even registered and left without consequence.

A number of police raids on private homes, offices and places of prayer, confiscation of religious literature and expulsion of foreign citizens from the country due to their belonging to some of the unpopular churches, also occurred in 1997. Members of the Unification Church, Jehovah's Witnesses, Muslims and some other Christian groups were the main victims. On April 6, a Blagoevgrad policemen raided a private home during a meeting of members of the Unification Church (Moonies) and confiscated books, lectures and photos. In several other incidents in late June and July, involving the Unification Church, policemen confiscated books, magazines, posters and even BHC publications from private homes in Sofia, Plovdiv, Varna, Kyustendil, Assenovgrad, Petrich and Rila. In mid-June the press reported that members of the National Security Service and policemen searched a private apartment in Montana, inhabited by members of the "Warriors of Christ", one of the groups whose juridic person status was cancelled in 1994. Eighty-five books, video and audio cassettes with sermons and advice were taken from the apartment. On August 3, literature was seized from Jehovah's Witnesses in Shumen. On August 28, members of the Regional Security Service in Plovdiv confiscated video cassettes with sermons, pamphlets, books and notebooks from seminars in Narechenski Bani, organized by the Muslim Irshad Foundation. On September 2, an Austrian citizen, Jehovah's Witness, was expelled from the country after being caught preaching in Smolyan. On September 11, the Bessarabian Bulgarians Stepan and Maria Kara were handed an extradition order by the Regional Directorate of Internal Affairs in Kurdjali for having been caught preaching the doctrine of Jehovah's Witnesses.

During the year conflicts also ensued in some communities in connection with buildings used for religious service. In a drastic case of administrative arbitrariness, on September 15 the mayor of the "Yuzhen" district in Plovdiv, Alexander Dolev, ordered the seizure of a building, erected for religious purposes by the "Emmanuil" Biblical Center, a local protestant group. The act was accompanied by a fierce local media campaign and threats, including by Mayor Dolev, against the members of "Emmanuil" and against pastor Ivan Nestorov personally. In another incident last autumn, the municipality in Kyustendil refused to allot a plot for building a house of prayer to the local division of the Bulgarian Church of God, which is duly registered under the *Denominations Act*. In late autumn the Bulgarian State Railways in Pernik and Elin Pelin terminated without notice its lease contracts with the local divisions of the United Church of God, duly registered under the *Denominations Act*, on the unofficial pretext of it being a dangerous sect. At the end of December the local division of the Pentecostal Church in Burgas was turned out of the hall of the Bulgarian Philharmonic which it had rented for a long time.

8. Freedom of Expression, Freedom of the Media

As soon as it was formed, the new government stated that it would conduct a radical reform in legislation concerning the freedom of media. This was a constant theme of discussion throughout 1997. A number of legislative, administrative and legal initiatives were taken by different interested circles. Their result, however, did not produce any significant improvement in this sphere, compared to previous years. The three main problems relating to freedom of expression in Bulgaria: political control over the electronic media, the criminal prosecution of journalists for their writings, and the confiscation of publications of unpopular ethnic and religious groups, continued to exist in 1997, too. In fact, a fourth problem, linked mainly with the functioning of the private media - employers hindering the organized trade-union activity of journalists - was added to these.

In November 1996 the Bulgarian Constitutional Court ruled unconstitutional a number of provisions of the *Radio and Television Act*, adopted during that year by the BSP-dominated parliament. Most of these provisions regulated the election of the National Radio and Television Council, the body which, in turn, elects the leaderships of National Radio and National Television.¹⁴ The Constitutional Court ruled that the way in which the Council is elected enables political control to be exercised over the country's two most influential media. The procedure for the election of the National Radio and Television Council, specified in the Act, was repealed, but the provision that the Council should elect the directors of National Radio and National Television remained. Despite this, on July 10, the new directors of National Radio and National Television were elected in conformity with the old procedure, i.e. directly by Parliament. In both cases the new directors were people close to the ruling circles. The result was a program policy which was clearly biased in favour of the government.

The parliament's decision for the election of directors of the national media was immediately contested before the Constitutional Court by the opposition. On November 6, the Constitutional Court ruled the election unconstitutional for violating one of the basic principles of the *Constitution*, the rule of law, as set down in Article 4, Paragraph 1. Soon after parliament adopted supplements to the *Radio and Television Act*, thereby establishing a new procedure for the election of the National Radio and Television Council. According to this procedure, four of the Council's members are elected by Parliament and three by the President. The other powers, as well as interested outside groups with a stake in the national media were not represented. Despite the fact that, by law, the new National Radio and Television Council must take decisions on the election of directors of radio and television by qualified majority, the chance to establish political control remains, since both Parliament and the President are from the same political coalition. The Act also banned independent bodies from allocating private radio and television frequencies, a requirement which was clearly formulated by the media commission of the Council of Europe. This re-established the practice of private radio and television channels being directly licensed by the executive, without effective public control. One discriminatory provision was not contested and therefore not reviewed by the

¹⁴ See *Human Rights in Bulgaria in 1996*, BHC Report, Sofia, March 1997.

Constitutional Court when it was first approached in 1996: the right of National Radio and Television to provide time on the air to broadcast addresses on the occasion of big religious holidays of the Bulgarian Orthodox Church, whilst the other officially recognized religions are granted program time only to address their believers.

The new supplements to the *Radio and Television Act* were criticized by different public circles and the opposition contested them in its appeal to the Constitutional Court. By the end of 1997 it had not pronounced itself on the case, however.

In contrast to the situation in the national electronic media, the other serious problem, the criminal prosecution of journalists for their publications, developed within the old legal framework. The *Penal Code* provides for *ex officio* criminal proceedings and the use of the state resources for criminal prosecution in libel cases against a "public official". Conversely, in libel cases against a private person, the criminal prosecution is initiated only after a petition of the victim (Articles 146, 147, 148 and 161 of the *Penal Code*). The Prosecutor's Office may even bring charges when the victim has not filed a complaint. Respectively, the sentences prescribed by Bulgarian law for libel of "public officials" are much more severe than sentences for libel of private persons and entail up to three year's effective imprisonment. These provisions have for years been used in Bulgaria to prevent the actions of persons exercising public power, mainly prosecutors of different ranks and their close associates, from being publicly discussed or criticized. To these provisions the amendments to the *Penal Code* of 5 August 1995 (See Ratification of International Human Rights Instruments, Legislative Changes Affecting Human Rights) added Article 148a which provides for up to three years imprisonment for publicizing (including verbally) circumstances and claims regarding other persons, based on "unlawfully" acquired information from the Interior Ministry archives. There is still no information of this new provision having been applied. The old provisions, however, continued to be applied throughout the year and dozens of people were sued for insult and libel of public officials. On June 18, Chief Prosecutor Ivan Tatarchev said that journalists could even be criminally liable for questions asked of interviewees. The same day, Anna Zarkova from the *Trud* daily was charged of insulting and libelling a public official and was ordered to put a 50,000 leva bail for an interview she had published in the paper. On September 2, Mitko Shtirkov, a journalist from Smolyan, got a four-month suspended sentence for libelling a district prosecutor in Smolyan. In September, Karolina Kraeva, a journalist from the *Istina* paper in Vratsa, was sued for insult and libel against the chief of the local Police Department only because in an article she had questioned his possible link with local businessmen, in whose interest he had exercised his powers.

The cases against the journalist Yovka Atanassova from the *Starozagorski Novini* paper also caused a serious problem. She is now facing 11 libel suits which were filed against her for referring to well-known lawyers, chiefs of police and former prosecutors in Stara Zagora in her articles. The campaign smacks of organized pressure at local level, with a potentially crippling effect on the freedom of speech. Dozens of journalists from Varna, Sliven, Lom, Svilengrad and some other towns were also criminally prosecuted during the year. Together with the Union of Bulgarian Journalists and a number of other public organizations and media, in July the Bulgarian Helsinki Committee turned to parliament with the request to

decriminalize several articles of The *Penal Code* that are enforced most frequently against journalists.

The practice of arbitrary and unfounded confiscation of the publications and materials of some unpopular ethnic and religious minorities continued throughout the year. In several cases the victims were members of the Unification Church (Moonies), Jehovah's Witnesses, Muslims and some other smaller religious communities (See Freedom of Thought, Conscience, Religion or Belief). On January 23 police officers confiscated near Smolyan several copies of Petro Teoharidi's "Pomak Encyclopaedia" published in Greece which promotes the idea of the specific ethnic and linguistic identity of the Pomaks. Bulgarian citizens with a Macedonian self-identification were also subjected to arbitrary confiscations during the year. On August 28, customs officers at Stanke Lissichkovo border checkpoint confiscated 31 books from Georgi Hristov who was returning from a congress in Ohrid. The reasons state that the books were not declared upon entry and that they are "of pro-Macedonian nationalistic content". In early September two policemen from Blagoevgrad searched a printing house in the town and seized negatives of the *Narodna Volya* paper which is published in Macedonian and Bulgarian. In early October the printing house was searched again and two materials were confiscated.

9. Freedom of Association and of Peaceful Assembly

On the whole, during the year the right to freedom of association and of peaceful assembly was guaranteed for the majority of Bulgarian citizens. The *Constitution* and the *Political Parties Act* provide for a discriminatory ban on the formation of political parties on ethnic or religious grounds. During the year, however, these provisions were not enforced by the courts. The problems of granting the status of juridic person to some religious communities were resolved in a satisfactory way, although the situation of many others remained unchanged (See Freedom of Thought, Conscience, Religion or Belief). Still, for some ethnic and religious minorities the freedom of peaceful assembly continued to be a serious problem throughout the year.

The new government's policy in respect to Bulgarian citizens with Macedonian self-identification remained unchanged. Their identity continued to be officially denied. In a number of cases their attempts for peaceful assembly were effectively foiled and their printed publications confiscated (See Freedom of Expression, Freedom of the Media).

On April 20, activists of UMO "Ilinden", a Macedonian group, were again prevented from holding a rally at the grave of Yane Sandanski in the Rozhen Monastery. The Blagoevgrad district prosecutor banned the meeting with a decree. The mayor of the town of Sandanski did not allow it either. A coach with 30 persons was stopped near the village of Lozenitsa and ordered to turn back. Two persons claimed to have been beaten by policemen near the village of Novo Delchevo. One of them has a medical certificate. On May 5, 15 UMO "Ilinden" activists, attempting to celebrate the 94th anniversary of the death of Gotse Delchev, were detained in Blagoevgrad. The District Prosecutor in Blagoevgrad issued a decree banning the celebrations. In early August, the local police also upset the UMO "Ilinden" celebrations of the anniversary of the Ilinden Uprising in the "Samouilova Krepost" locality near Petrich. On October 29, nationalists threw several Macedonians, who had gathered for the presentation of

Georgi Radoulov's book "The History of Macedonia - an Apology of the Macedonian Spirit", out of the Home of Technology in Plovdiv. The ban on the book's presentation had been issued personally by the Mayor of Plovdiv. Some other organizations, including the National Library, the local branch of the Open Society Fund and a youth center refused to provide a hall for the event.

A number of minority religious groups were also restricted in the exercise of their right to peaceful assembly. On April 8, the management of the former Home of Soviet Science and Culture did not allow Jehovah's Witnesses access to the hall which they had used for meetings for a long time. On August 10, the municipality in Haskovo banned a public event of the Baha'i, refusing to let them rent a room. They were also told to vacate the apartment they had rented in the town's center.

10. Conditions in Prisons

During the year the Bulgarian Helsinki Committee was able to visit all prisons in Bulgaria. This was made possible with the kind permission of the management of the Penitentiary Administration. Its cooperation contrasted sharply with the categorical refusal of the leadership of the National Investigation Service (NIS) to allow BHC representatives to acquaint themselves even only with the material conditions of detention in the pre-trial detention centers. The National Investigation Service even refused to provide the statutory framework for detention in detention facilities. The Bulgarian Helsinki Committee was also able to visit reform schools, military prisons and police detention facilities.

By 01.01.1998 there were a total of 11,541 prisoners, including 1,176 accused and 2,127 defendants, in the Bulgarian prisons. An unspecified number (at any rate at least a few hundred) of detainees kept in pre-trial detention centers and Interior Ministry divisions under "administrative detention", pursuant to the *Decree on Petty Hooliganism*, as well as juvenile delinquents placed for "mandatory education" in reform schools, should also be added to these figures. (See Independence of the Judiciary and Fair Trial). Although these figures show an increase in the number of prisoners compared to 1996, they also show a decrease in the number of not convicted persons, whose large share in prison establishments was one of the main problems of the Bulgarian criminal justice system (See Liberty and Security of Person). An important exception is the juvenile prison in Boichinovtsi, where 66.7% of all inmates have not been convicted. The increased total number of prisoners caused some of the prisons to exceed their capacity. This is true of the main compounds of the main compounds of almost all large prisons.

Poor material conditions prevail in some prisons. This and poor hygiene caused a significant increase in the number of prisoners taken ill with tuberculosis in 1997. At times the epidemic gained a threatening scale in some prisons. Tuberculosis was also the main cause of the increased total number of prison deaths - a total of 59, which is 23 more than in 1996.

Despite this, conditions of detention in prisons, notwithstanding their material shortcomings, were much better than conditions in the detention facilities of the

National Investigation Service.¹⁵ Although the leadership of the National Investigation Service did not allow the Bulgarian Helsinki Committee to visit pre-trial detention centers, it was furnished with abundant evidence by people, held for prolonged periods, which warrant the conclusion that the findings of the European Committee for the Prevention of Torture regarding material conditions also apply to other detention facilities, not visited by the delegation. In contrast to the delegation of the European Committee for the Prevention of Torture, the Bulgarian Helsinki Committee was furnished with credible indirect evidence of cases of illegal physical violence against detainees.

Another serious problem established by the Bulgarian Helsinki Committee were cases of ill-treatment in some prisons. Although, on the whole, ill-treatment is not systematic in Bulgarian prisons, in some of them, for example in the Bourgas and Lovech prisons, it is used as a means to maintain prison order.

11. Protection of the Minorities, Problems of Citizenship, Aggressive Nationalism and Xenophobia

The generally low level of protection of the ethnic and cultural identity of the minorities in Bulgaria remained unchanged during the past year. There are serious reasons to believe that the total number of representatives of ethnic minorities, studying their mother tongue in municipal schools, was smaller in 1997 than in previous years. The request of leaders of the community of Bulgarian Turks to include the study of their mother tongue in the regular curriculum, as well as for instruction in some subjects in Turkish¹⁶, was not taken into consideration during the new 1997/1998 academic year either. Minorities are generally poorly represented in the media and some media continued to instigate hatred towards them.

On December 4, the government adopted *Decree N 449*, thereby setting up a National Council on Ethnic and Demographic Questions at the Council of Ministers. The Council is a consultative body which is expected to develop and propose strategies of demographic policy and measures for the preservation of tolerance and understanding between ethnic and religious groups in the country, as well as for guaranteeing their rights. It is also supposed to coordinate measures, aimed at assisting Bulgarians abroad. This lumping together of the problems of ethnic and religious minorities with demographic problems and the problems of Bulgarians abroad, gave rise to criticism among some public circles, as well as to justified doubts regarding the functionality of the National Council on Ethnic and Demographic Questions.

The integration of the Roma minority continues to be an extremely serious problem. The Roma continue to be subjected to different forms of discrimination in all spheres

¹⁵ During its visit to Bulgaria in March-April 1995, the European Committee for the Prevention of Torture established: "Almost without exception, the conditions in the NIS detention facilities visited by the CPT's delegation could fairly be described as inhuman and degrading." (*Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 26 March to 7 April 1995 and Responses of the Bulgarian Government*, Strasbourg, 6 March 1997, p. 232).

¹⁶ See *Human Rights in Bulgaria in 1996*, BHC Report, Sofia, March 1997.

of social life: education, employment, housing policy, social security and health care. In the so-called "Gipsy schools" low educational criteria continued to be applied. The number of Roma children dropping out of the school system continues to rise. No progress was observed in the territorial development of the Roma neighborhoods. This leads to deepening of the problems with construction and communal services. Many Roma mothers were refused maternity benefits to which they are entitled under the *Decree for the Promotion of Births*. The level of unemployment among the Roma is several times higher than among the rest of the population. Discriminatory practices in hiring and dismissing from jobs continued. Some companies explicitly stated in their job announcements that they do not want Roma. At the end of 1997, in the municipal cleaning companies in Sofia a big number of Roma were fired or forced to leave work.

Roma were particularly badly hit by the economic collapse and the humanitarian crisis in early 1997. Reports of a virus hepatitis epidemic among Roma children, causing a number of deaths, appeared in March.

Several cases of racist motivated attacks against Roma became known during the year. In a widely publicized case, a group of four youths beat to death Nedka Atanassova, 41, a Roma from Sliven on July 20. The murder, clearly incited by racism, was brutally committed in broad daylight. Two of the youths were later exonerated from criminal responsibility due to being under age, whilst the other two were prosecuted for hooliganism and respectively got a six-months suspended sentence and an 18-months effective prison sentence. In at least three cases Roma were victims of organized mob violence in 1997. On April 5 in Sredno Selo, near Veliko Turnovo, five Roma, accused of stealing calves, were tied to a fence in the village centre and lynched by a mob of 100-120 people who had been gathered from the neighboring villages. The lynching lasted for two hours before the police arrived, who untied the victims and drove them to hospital. Despite this, the case was not further investigated. According to press reports, in another incidence in the beginning of May, peasants in the village of Nedyalsko near Yambol rounded up a group of Roma, accused of stealing lambs. They were later tied to a tractor and dragged through the village. No subsequent actions by the police or prosecutor's office to investigate the case are known to have been taken. According to press reports, on September 25, about 30 Roma were tied up and lynched by local peasants in the village of Rossen, near Pazardjik, after being caught stealing the crop. Their heads were shaved and peppers had been shoved down their throats. This case, too, was left without any investigation by the competent authorities.

Many Roma fell victims to the illegal use of force by policemen during the year (See Torture and Ill-Treatment, Excessive Use of Force by Law-Enforcement Officials). Only a few Roma participate in one way or another in the taking of political decisions, including those which affect their own community. The share of Roma working in the police is negligible.

No progress was noted during the year in relations between the authorities and Bulgarian citizens, having identified themselves as ethnic Macedonians. The Bulgarian citizens with Macedonian self-identification faced a number of problems in their relations with the authorities which, in some cases, led to serious human rights violations. (See Freedom of Association and of Peaceful Assembly).

12. Political Asylum, Rights of Foreigners, Family Reunification

During 1997 the Bulgarian Helsinki Committee not only monitored, but was also an active participant in safeguarding the right to asylum through its special project for legal and social protection of refugees and asylum seekers. Through its network of lawyers, the BHC undertook many cases of asylum seekers, both before the administrative body which grants asylum and before the Supreme Administrative Court.

A large part of the problems of refugees and asylum seekers which were typical in 1996 continued to exist in 1997. A common practice for the National Bureau for Territorial Asylum and Refugees - the state body which grants refugee status - during the first half of the year, were the common rejections for registration of asylum seekers. The interviews were and continue to be another serious problem. The lack of sufficient staff to conduct the interviews leads all too frequently to only a single interview being done. There are cases of decisions for rejection without even a single interview being conducted, only on the basis of the enclosed documents. The practice of not informing asylum seekers about their right to a lawyer during the procedure is still widespread.

The participation of an interpreter in the different stages of the procedure constitutes another serious problem. The practice of conducting interviews without an interpreter in the National Bureau for Territorial Asylum and Refugees is still very widespread. The decisions for rejection are all too often handed over without an interpreter.

The other major problem during the year were the rejections for granting refugee status. The rejections, which constitute individual administrative acts, do not mention the possibility for judicial review of the act which can stop its execution. There are cases of expulsion even before the deadline for appeal has run out. The judges from the Supreme Administrative Court who hear the appeal cases, on the other hand, demonstrate a weak knowledge of refugee law and international humanitarian standards. On the positive side should be mentioned the reversal of the jurisprudence of the Supreme Administrative Court when hearing refugee cases. The court now hears the cases on merits, not just on legality as it used to be during 1994-1996.

During visits to the Home for Temporary Placement for Adults, the BHC established in several cases detained persons who wanted to lodge applications for granting of refugee status, but they were denied this opportunity. There is information that potential asylum seekers have been turned back at the border points, where an adequate administrative and material infrastructure for receiving of asylum seekers is still lacking.

13. Freedom of Movement

No restrictions on the right to freedom of movement of Bulgarian citizens within the country were documented during the year. Their right to travel to foreign countries, however, was seriously restricted. In February, the Minister of the Interior prohibited former members of the government of the BSP and members of their families to leave the country, without them being charged with any offence. Subsequently, a ban was

imposed on issuing foreign passports to formerly sentenced persons after they have served their sentences.

The possibility for Bulgarian citizens travelling abroad was also restricted by the harsh visa regulations which some European countries have imposed. In 1997, the same as in previous years, the issuing of a visa, especially for the larger European countries, involved an exhausting and lengthy procedure, which is both time-consuming and costly.

14. Free and Fair Elections

Early parliamentary elections were administered on April 19. They were convincingly won by the United Democratic Forces and were recognized as free and fair both by Bulgarian and international observers, including from the OSCE mission.